

OCA 2983/1 88



Office of the Attorney General
Washington, D. C. 20530

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8 September 1988

The Honorable Robert H. Michel
Minority Leader
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Leader:

The Administration strongly supports and urges Congress to act swiftly to adopt effective and responsible legislation to combat drug abuse. United States law enforcement and intelligence agencies have devoted and will continue to devote substantial efforts toward achievement of the vital national objective of halting the flow of illegal drugs.

The amendment proposed to be offered by Congressman Bill Alexander to the Omnibus Drug Initiative Act of 1988 (H.R. 5210) will weaken the hand of the United States in the battle against illegal drugs. The Alexander Amendment is both unwise and impermissibly encroaches on the President's constitutional authority.

The amendment requires Executive Branch personnel obtaining information about "illegal foreign drug activities" to forward such information promptly to the head of their agencies. In turn, the agency heads must furnish it to law enforcement agencies specially designated by the President and, upon request, to any committee of the Congress or the General Accounting Office (GAO). If the agency head personally determines that disclosure of the information risks specified damage to national security or law enforcement interests, he need not disclose the demanded information to a congressional committee, but he nevertheless must furnish it to the GAO. The amendment also provides for lawsuits by the GAO against Federal agencies to secure information covered by its provisions.

The Alexander amendment would diminish the ability of the United States to collect narcotics intelligence. Sources of foreign narcotics intelligence, including cooperating foreign government agencies, would be less likely to share sensitive narcotics intelligence with U.S. agencies if it must be disseminated on demand to the General Accounting Office and, in

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many cases, to multiple congressional committees. The proper executive-legislative arrangements for handling sensitive narcotics intelligence in a responsible and secure fashion are those specified by Title V of the National Security Act of 1947, under which the Director of Central Intelligence and the heads of intelligence agencies keep the congressional intelligence committees fully and currently informed of intelligence activities, including narcotics intelligence.

The prospect of lawsuits between the GAO and intelligence agencies over some of the most sensitive national security information in the possession of the United States presents a substantial danger of unauthorized disclosure of sensitive information. Congress recognized this danger when it enacted the General Accounting Office Act of 1980 that provided for the exemption of intelligence information from the GAO's current authority to bring suits to obtain information.

The inter-agency reporting requirements established by the amendment will disrupt effective, carefully crafted mechanisms for secure dissemination of narcotics intelligence within the U.S. Government. These mechanisms ensure that sensitive narcotics intelligence is disseminated to law enforcement agencies and that the information is properly protected from unauthorized disclosure.

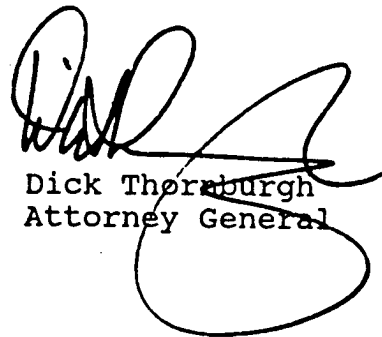
In addition to its practical flaws, the amendment impermissibly encroaches on the powers of the President under the Constitution to faithfully execute the laws, to supervise his subordinates in the Executive Branch, to preserve the integrity of executive deliberations, and to protect national security information.

We urge the House not to adopt the Alexander Amendment.

Sincerely,



William H. Webster
Director of Central Intelligence



Dick Thornburgh
Attorney General

cc: The Honorable Bill Alexander

SUBJECT: "Stonewalling Act" Proposed by Congressman
Bill Alexander (H.R. 5210)

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